

REMARKS

Claims 1-28 are pending in this application. By this Amendment, Applicants amend claims 2, 9, 10, 12, 13, 21, and 22 to correct informalities and claims 24 and 25 for form. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Applicants gratefully acknowledge the Office Action's indication that claims 22 and 23 are allowable. However, Applicants respectfully assert that all of the pending claims are allowable at least in light of the following remarks.

Claims 1-21 and 24-28 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,301,013 (Momose). Applicants respectfully traverse the rejection.

In particular Momose at least fails to disclose "an index image or index to be used as an index of separation for recycling," and printing the index image on the record medium, as recited in claims 1, 21, and 24-26. The Office Action alleges that the "index information" of Momose is equivalent to the claimed "index image or index" (Office Action, p. 2, citing column 2, lines 40-50, of Momose). However, the "index information," as well as the related "print attribute information," of Momose are simply information that is stored to facilitate print settings. Importantly, neither the "index information" nor the related "print attribute information" of Momose is printed on a recording medium, as required by claims 1, 21, and 24-26. Furthermore, because the "index information" and the related "print attribute information" of Momose are not printed on the recording medium, they cannot be used as an index of separation for recycling the recording medium, as required by claims 1, 21, and 24-26. Thus, claims 1, 21, and 24-26 are patentable over Momose.

Further, Momose at least fails to disclose "a reading unit that reads an index of separation for recycling the record medium which is printed on the recording medium; and a separation unit that automatically separates the recording medium according to the read

index," as recited in claim 26. Notably, the Office Action fails to even allege that these features of claim 26 are disclosed by Momose. Nonetheless, these features are not disclosed anywhere in Momose. Thus, for this additional reason, claim 26 is patentable over Momose.

Furthermore, Momose at least fails to disclose "a print ratio calculating unit that calculates the occupation ratio of the image to the recording medium on which the image is printed; and an additional image selecting unit that selects a first image to be additionally formed on the recording medium together with the image when the occupation ratio is higher than a predetermined value and selects a second image to be additionally formed on the recording medium together with the image when the occupation ratio is equal to the predetermined value or lower than the predetermined value," as recited in claim 27.

It appears that the Office Action is alleging that Momose discloses calculating an occupation ratio in the context of image magnification or reduction. Even if that is the case (which Applicants do not concede), Momose fails to disclose selecting any other images to be printed on the recording medium in addition to the image that is reduced or enlarged. Thus, Momose fails to disclose selecting "a first image to be additionally formed on the recording medium together with the image when the occupation ratio is higher than a predetermined value," or selecting "a second image to be additionally formed on the recording medium together with the image when the occupation ratio is equal to the predetermined value or lower than the predetermined value," as required by claim 27. Thus, claim 27 is patentable over Momose.

Momose also at least fails to disclose "an additional image selecting unit that selects a first image to be additionally formed on the recording medium together with the image when the judged type of recording medium falls under a predetermined category and selects a second image to be additionally formed on the recording medium together with the image

when the judged type of recording medium is out of the predetermined category," as recited in claim 28.

The Office Action makes a passing reference to column 3, lines 4-22, of Momose, which discloses printing watermarks. Even if such watermarks could be considered equivalent to the claimed first or second image additionally formed on the recording medium (which Applicants traverse because a watermark is part of an image not an additional image), Momose fails to disclose printing a particular watermark based on a judged type of recording medium. Thus, claim 28 is patentable over Momose.

As discussed above, claims 1, 21, and 24-28 are patentable over Momose. Further, claims 2-20 are patentable for at least the same reasons, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

Claims 24 and 25 are rejected under 35 U.S.C. §101 as non-statutory. By this amendment, Applicants amend claims 24 and 25 to make it even more clear that they are directed to functional descriptive material embodied in a computer-readable medium, which is statutory subject matter under §101 (see MPEP §2106.01(I)). Thus, the rejection is moot. Applicants respectfully request withdrawal of the rejection.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 27, 2008

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